

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THEARDISE K. LOWMAN, SR.,)
)
Plaintiff,) 8:05CV0454
)
vs.) ORDER
)
MICHELLE A. PETERS,)
)
Defendants.)

Before me is filing no. 2, the motion to proceed in forma pauperis ("IFP") filed by the pro se plaintiff. Upon review of the plaintiff's papers, I shall grant the plaintiff leave to proceed IFP.

ADMONITIONS

The plaintiff is informed that the court can later enter an order taxing costs in this case. No one, including the plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

In addition, even after a motion to proceed IFP has been granted, the court may still revoke IFP status and dismiss a complaint under 28 U.S.C. § 1915(e)(2)(B) if the court finds that the complaint is frivolous or malicious. Kane v. Lancaster Co. Dep't of Corrections, 960 F. Supp. 219, 222 (D. Neb. 1997). To determine that a claim is frivolous, the court must find that the claim is based on an indisputably meritless legal theory or that factual contentions are clearly baseless. Id.

THEREFORE, IT IS ORDERED:

1. That filing no. 2, the plaintiff's motion to proceed in forma pauperis, is granted, subject to the admonitions stated above in this Order.

2. The plaintiff shall keep the court informed of the plaintiff's current address at all times while this case is pending.

3. The plaintiff is advised that he is bound by the Federal Rules of Civil Procedure and by the Local Rules of this court in the prosecution of this case. The federal rules are available at any law library, and the local rules are available at the office of the Clerk of Court, and also on the court's web site at www.ned.uscourts.gov.

4. This order is entered without prejudice to the court later entering an order taxing costs in this case. No one, including the plaintiff, is relieved by this order from the

obligation to pay or to reimburse taxable costs after this action is over.

DATED this 4th day of October, 2005.

BY THE COURT:

s/F.A. GOSSETT
United States Magistrate Judge

